

*Planning and Environment Act 1987*  
**VICTORIA PLANNING PROVISIONS**  
**AMENDMENT VC82**  
**EXPLANATORY REPORT**

### **Who is the planning authority?**

This amendment has been prepared by the Minister for Planning.

The Minister for Planning is the planning authority for this amendment.

### **What the amendment does**

The amendment changes the Victoria Planning Provisions and all Victorian planning schemes by:

- Amending Clause 52.32 - Wind energy facility to:
  - require a permit for the use and develop of any land for a Wind energy facility
  - include a table that identifies locations where a Wind energy facility is prohibited:
    - land where any turbine that forms part of the Wind energy facility is located within two kilometres of an existing dwelling, unless there is evidence of a written consent of any owner of the dwelling in accordance with Clause 52.32-3. With a condition that the prohibition does not apply to a facility that is integrated as part of the development of the land in a residential zone, industrial zone, business zone or special purpose zone.
    - land described in a schedule to the *National Parks Act 1975* with a condition that the prohibition does not apply to a Wind energy facility principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.
    - land declared a Ramsar wetland as defined under section 17 of the *Environment Protection and Biodiversity Conservation Act 1999*
    - land listed in a schedule to Clause 52.32 in the relevant planning scheme, being
      - all land covered by the Mornington Peninsula and Yarra Ranges planning schemes
      - land described as the Bellarine Peninsula, being the area that is covered by the Queenscliffe planning scheme and that part of the Greater Geelong planning scheme east of the Surf Coast Highway and south of the Princes Highway
      - land described as the Great Ocean Road region, being land within five kilometres of the high water mark of the coast between the Surf Coast Highway in the east and Warrnambool in the west in the Warrnambool, Moyne, Corangamite, Colac Otway, Surf Coast and Greater Geelong planning schemes
      - land in the Macedon and McHarg Ranges, being all land covered by the Macedon Ranges planning scheme, all land west of the Hume Freeway and the Goulburn Valley Highway in the Mitchell planning scheme, and all land bounded by the McIvor Highway and the Calder Highway/Freeway in the Greater Bendigo and Mount Alexander planning schemes
      - land within five kilometres of the high water mark of the coast in the Bass Coast planning scheme and South Gippsland planning scheme west of Wilsons Promontory
      - land within five kilometres of major regional cities and regional centres specified in the Regional Victoria Settlement Framework in the State Planning Policy Framework being Mildura, Swan Hill, Echuca, Shepparton, Benalla, Wangaratta, Wodonga, Horsham, Ararat, Ballarat, Greater Bendigo, Hamilton, Portland,

Warrnambool, Colac, Geelong, Moe, Morwell, Traralgon, Sale and Bairnsdale (the prohibition in these locations does not apply to a Wind energy facility integrated as part of the development of the land where the land is in a residential zone, industrial zone, business zone or special purpose zone).

- include an additional application requirement for evidence of written consent of any owner of an existing dwelling located within two kilometres of a proposed turbine that forms part of the wind energy facility
- change the application requirements to consolidate application requirements that were previously included in both Clause 52.32 and the *Policy and planning guidelines for development of Wind energy facilities in Victoria (August 2011)* (Guidelines)
- introduce a new Clause 52.32-6 that specifies that a permit may be granted for use and develop land for the purpose of wind measurement by an anemometer for a period of more than three years.
- Amending Clause 37.07 – Urban Growth Zone to prohibit a Wind energy facility on land in that zone.
- Amending Clause 36.03 – Public Conservation and Resources Zone to clarify that the condition relates to land described in a schedule to the *National Parks Act 1975*.
- Amending Clause 19.01 – Renewable energy and Clause 52.32 - Wind energy facility to reference the updated guidelines. Also amending Clause 81.01 to alter the status of the Guidelines to a reference document rather than an Incorporated Document in planning schemes.

## **Strategic assessment of the amendment**

### **Why is the amendment required?**

The amendment implements actions proposed by the Government in the *Victorian Liberal National Coalition Plan for Planning* for the 2010 State Election. The amendment implements the Government's policy that a turbine that forms part of a Wind energy facility must not be located within two kilometres of an existing dwelling without the owner's consent, and specifying locations in Victoria where Wind energy facilities are prohibited.

### **How does the amendment implement the objectives of planning in Victoria?**

The amendment meets the objectives of planning set out in the *Planning and Environment Act 1987* (the Act). In particular, it supports the objectives to:

- provide for the fair, orderly, economic and sustainable use and development of land
- provide for the protection of natural and man-made resources
- secure a pleasant, efficient and safe working, living and recreational environment
- balance the present and future interests of all Victorians.

### **How does the amendment address the environmental effects and any relevant social and economic effects?**

The amendment will promote positive environmental, social and economic effects by facilitating a more balanced assessment of the impacts of a Wind energy facility against these factors. The amendment supports greater consideration of local amenity impacts and clarifies locations where Wind energy facilities should be considered, while recognising the importance of providing renewable energy for the broader Victorian community.

**Does the amendment comply with the requirements of any applicable Minister’s Direction?**

The amendment is compatible with all Ministerial Directions under Section 12 of the Act.

The Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act is being amended concurrently with this amendment to introduce a schedule to clause 52.32 in relevant planning schemes that describes land where the use and development of a Wind energy facility is prohibited.

**How does the amendment support or implement the State Planning Policy Framework?**

The amendment is consistent with the State Planning Policy Framework by improving certainty about locations where Wind energy facilities may be appropriate.

**Does the amendment have a significant impact on the transport system, as defined by the section 3 of the *Transport Integration Act 2010*?**

As the amendment focuses largely on procedural matters for the assessment of Wind energy facilities, it will not have a significant impact on the transport system.

**What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will potentially lessen resource and administrative costs of the responsible authority by clarifying locations and circumstances where Wind energy facilities can be considered. The amendment also clarifies the application requirements for a Wind energy facility, and better aligns the application requirements with the guidance material in the *Policy and planning guidelines for development of Wind energy facilities in Victoria*.

**Where you may inspect this Amendment**

A copy of the amendment can be inspected, free of charge, during office hours, at all municipal council offices in Victoria and at the following offices of the Department of Planning and Community Development (DPCD):

**Hume Region**

Level 1, 62 Ovens Street  
WANGARATTA 3676

**Gippsland Region**

71 Hotham Street  
TRARALGON 3844

**Grampians Region**

111 Armstrong Street North  
BALLARAT 3350

**Loddon Mallee**

Level 1, 56-60 King Street  
BENDIGO 3551

**Barwon South West Region**

Warrnambool office  
25 Liebig Street  
WARRNAMBOOL

**Barwon South West Region**

Geelong office  
4th Floor, State Government Offices  
Cnr Fenwick & Little Malop Streets  
GEELONG 3220

The amendment is also available for public inspection on the DPCD website [www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection).